



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-06
The Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filed by: Dr Fidelma Donlon

Date: 20 May 2021

Language: English

Classification: Public

Notification of Request for Withdrawal by Counsel for Hashim Thaçi

with one confidential and *ex parte* Annex

Specialist Prosecutor's Office
Jack Smith

Counsel for Hashim Thaçi
David Hooper

Counsel for Kadri Veseli
Ben Emmerson

Victims' Counsel
Simon Laws

Counsel for Rexhep Slimi
David Young

Counsel for Jakup Krasniqi
Venkateswari Alagendra

1. Pursuant to Rule 26(1) of the Rules¹ and Section 16(1) of the Directive on Counsel,² the Registrar hereby requests the Pre-Trial Judge's approval of the early termination of the services of Mr David Hooper ('Mr Hooper') as Counsel for Mr Hashim Thaçi ('Mr Thaçi').³
2. On 18 May 2021, the Defence Office received a request from Mr Thaçi to appoint Mr Gregory Kehoe ('Mr Kehoe') as replacement Counsel, alongside a Power of Attorney. In his request for appointment, Mr Thaçi included a brief description of the motivation for his request.⁴
3. On the same day, Mr Hooper informed the Defence Office of his request for withdrawal as appointed Counsel to Mr Thaçi, at Mr Thaçi's request.
4. Mr Kehoe confirmed to the Defence Office that he had been approached with a request to represent Mr Thaçi and that he would accept the appointment. Mr Kehoe is admitted to the List of Specialist Counsel in accordance with Section 7 of the Directive on Counsel.⁵
5. Pursuant to Section 16(2) of the Directive on Counsel, the Registrar "shall terminate representation by Counsel in circumstances where: [...] b. Counsel, the suspect, the Accused or victims participating in the proceedings request withdrawal showing good cause [...]".
6. When considering early termination of representation, "the Registrar shall have due regard to the importance of continuity of representation and must obtain the

¹ Rules of Procedure and Evidence Before the Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').

² Directive on Counsel, KSC-BD-04-Rev1, 28 April 2021.

³ Mr Hooper was appointed as Counsel to Mr Thaçi on 5 November 2020. See KSC-BC-2020-06, F00053, Notification of Reception of Hashim Thaçi in the Detention Facilities of the Specialist Chambers and Appointment of Counsel, strictly confidential and *ex parte*. This filing was reclassified as public on 20 November 2020.

⁴ Annex 1.

⁵ Letter of Admission to the List of Specialist Counsel, KSC/REG/DEF/0147, 30 October 2020.

approval of any Panel seized of the matter in which Counsel is acting.”⁶ Pending any appeal against the approval of termination, the Panel may order interim measures.⁷

7. Further, the Registrar “may instruct appointed or assigned Counsel whose representation is to be terminated to continue to act or to assist replacement Counsel for a period not exceeding forty-five (45) days from the date upon which replacement Counsel is assigned or appointed”.⁸

8. Should the Pre-Trial Judge approve Mr Hooper’s withdrawal, the Registrar is in a position to take immediate steps to appoint Mr Kehoe as replacement Counsel for Mr Thaçi to ensure that Mr Thaçi is represented by Counsel at all times. In addition, the Registrar will remind Mr Kehoe that “replacement Counsel shall, for reasons of continuity and in consultation with the person represented, generally seek to continue the representation with team members of previous Counsel.”⁹

9. In accordance with Article 25 of the Code of Professional Conduct,¹⁰ Mr Hooper has assured the Defence Office that he will give replacement Counsel every assistance required in the handover of the case.

⁶ Directive on Counsel, sect. 16(1).

⁷ Ibid.

⁸ Ibid.

⁹ Directive on Counsel, sect. 18(5).

¹⁰ Code of Professional Conduct – for Counsel and Prosecutors Before the Kosovo Specialist Chambers, KSC-BD-07-Rev1, 28 April 2021.

10. In terms of classification, Annex 1 is submitted as confidential and *ex parte*, for distribution to Counsel for Mr Taçi only, as it contains confidential information concerning Counsel, prospective Counsel, and Mr Taçi.

Word count: 556

A handwritten signature in cursive script that reads "Fidelma Donlon".

Dr Fidelma Donlon
Registrar

Thursday, 20 May 2021
At The Hague, the Netherlands